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**PATENT**  
38-21(10640)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Robert T. FRALEY et al.

Continuation of  
SERIAL NO: 07/625,637

FILED: October 28, 1993

TITLE: CHIMERIC GENES FOR  
TRANSFORMING PLANT  
CELLS USING VIRAL  
PROMOTERS

)  
) GROUP ART UNIT: 184  
)  
) EXAMINER: David T. Fox  
) October 28, 1993  
)  
)  
)

**PRELIMINARY AMENDMENT**

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Prior to examination in this case, please consider the following amendment.

**IN THE CLAIMS**

Please cancel claims 1 and 2.

Please amend claim 16 as follows:

16. (Three times amended) A differentiated dicotyledonous plant comprising plant cells containing a chimeric gene which comprises a promoter from cauliflower mosaic virus, said promoter selected from the group consisting of a CaMV(35S) promoter free of CaMV protein-encoding DNA sequences and a CaMV(19S) promoter free of CaMV protein-encoding DNA sequences, and a structural sequence which is heterologous with respect to the promoter.